

REMARKS

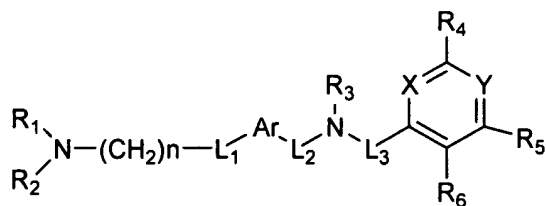
Claims 1, 3, 4, 5, 6 and 7 are pending herein. Claim 2 is canceled. Claims 6 and 7 are withdrawn from consideration. Applicants reserve the right to file divisional and/or continuation applications directed to any canceled subject matter. Claim 1 is amended, in part, to comply with the restriction requirement.

Applicants respectfully submit that the scope of the examined subject matter set forth in the Office Action contains certain inconsistencies. For example, the Office Action states that X and Y are independently C or N and Y is N. It appears that X is C or N and Y is N was intended. Further, L₁ is defined as O, S and N. The definition of L₁ supported by claim 1 and specific examples in the application is "L₁ is selected from the group consisting of O, NR₇, and SO₂". Accordingly, claim 1 is amended herein to recite appropriate definitions of variables X, Y and L₁ in line with the scope of the examined subject matter.

I. OBJECTION FOR ALLEGED IMPROPER MARKUSH GROUP

Claims 1 and 3-5 are objected to as allegedly being drawn to an improper Markush group. The Office Action alleges that the members of the instant Markush groups possess widely different physical and chemical properties. The Office Action suggests that amending the claims to the examined subject matter would overcome the rejection for alleged improper Markush group.

Applicants respectfully submit that the instantly amended claims are directed to a compound of formula:



R₁ and R₂ along with N form a pyrrolidine, piperadine, piperazine, morpholine, benzopyrrolidine, benzopiperadine or benzopiperazine ring;

R₃ is H, alkyl or aralkyl;

X is C or N;

Y is N;

R₄ is selected from the group consisting of H, alkyl, aralkyl, aryl, heteroaryl, benzoheteroaryl, hydroxyl, halo, haloalkyl, alkoxy, aminocarbonyl and aminosulfonyl;

R₅ and R₆ together form a 5-6 membered aromatic ring or a 5-7 membered aliphatic ring;

L₁ is selected from the group consisting of O, NR₇ and SO₂;

L₂ and L₃ are a single bond; and other variables are as defined therein.

Claims 2-4 depend from claim 1 and further define the compound of claim. Claim 6 is directed to a pharmaceutical composition containing the compound of claim 1.

Applicants respectfully submit that instant claim 1 encompasses compounds that are characterized by a bicyclic ring at the right hand terminus of the molecule. The application describes that such compounds are active in the assays that measure inhibition of human-urotensin-II binding to urotensin-II receptor and inhibition of human-urotensin-II-induced Ca²⁺ mobilization in UTR cells. Therefore, the compounds are functionally equivalent. Applicants respectfully submit that the compounds of claim 1 are structurally and functionally equivalent. Therefore, instant claim 1 is drawn to a proper Markush group.

Further, claims 2-4, which depend from and further define compounds of claim 1, and claim 6, directed a pharmaceutical composition containing a compound of claim 1, also encompass structurally and functionally equivalent compounds. Reconsideration and removal of the objection is requested.

II. DOUBLE PATENTING

Claims 1 and 3-5 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over co-pending Application No. 10/924,181. Applicants hereby request that the rejection be held in abeyance until an indication of patentable subject matter is given, at which point the need for a Terminal Disclaimer may be evaluated.

III. REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

A. The Office Action alleges that claims 1 and 3 are indefinite for recitation of the phrase "and the pharmaceutically acceptable salts."

Applicants submit that amended claims 1 and 3 recite the phrase "or a pharmaceutically acceptable salt."

B. Claim 4 is objected for missing period at the end of the claim.

Claim 4 is amended herein to properly end with a period.

Reconsideration and removal of rejections under 35 U.S.C. § 112, second paragraph is requested.

IV. REJECTION UNDER 35 U.S.C. §102(b)

1. Furan *et al.*

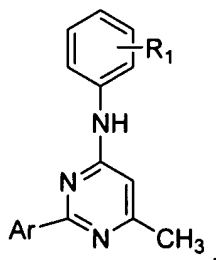
Claims 1, 3 and 5 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Furan *et al.* The Office Action points to the disclosure formula (I) on pages 3 and 4, and compounds listed in Table 1 on pages 13 and 14, pages 15 and 16 and 17 and 18. The Office Action alleges that the reference discloses a compounds where X is N; Y is N; L₂ and L₃ are a single bond; L₂ is O; L₄ is (CH₂)_n; n is 2; and R₁ or R₂ along with N form a ring.

Applicants assume that the Office Action intends to mean L₁ is O and not L₂ is O as stated in the Office Action. Further, applicants respectfully submit that the instant claims do not contain the variable L₄.

As discussed below, the claims presented herein are not anticipated by the cited reference.

Disclosure of Furan *et al.*

Furan *et al.* discloses compounds of formula (I) in column 3:



where the variables are as described therein. The specific compounds listed in Table 1, columns 13, 14, 15, 16, 17 and 18 contain a phenyl ring linked to a 6-methylpyridinyl ring via –NH– linker as described in formula (I).

Applicants respectfully submit that these compounds containing a phenyl ring linked to a 6-methylpyridinyl ring via –NH– linker as described in Furan *et al.* are not within the scope of the instant claims because, for *e.g.*, the instant claims require a bicyclic ring at that position. Furthermore, none of the other compounds disclosed in the cited reference are within the scope of the instant claims. Therefore, Furan *et al.* does not anticipate claim 1 and claims dependent thereon. Applicants request reconsideration and removal of the rejection.

2. International Application Publication No. WO 02/062787 ('787 application)

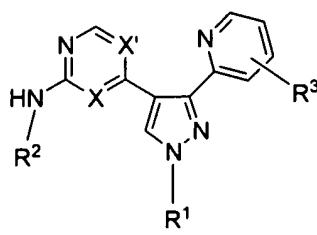
Claims 1, 3 and 5 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by the '787 application. The Office Action points to the disclosure formula (I) on pages 3 and 4, and examples 12 and 27 on pages 25 and 27, respectively. The Office Action alleges that the reference discloses compounds where X is N; Y is C; L₂ and L₃ are a single bond; L₂ is O; L₄ is (CH₂)_n; n is 2; and R₁ or R₂ along with N form a ring.

As discussed above, it appears that the Office Action intends to mean L₁ is O. Further, applicants respectfully submit that the instant claims do not contain the variable L₄.

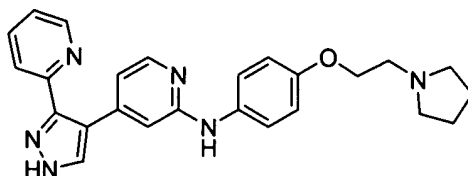
As discussed below, the claims presented herein are not anticipated by the cited reference.

Disclosure of the '787 application

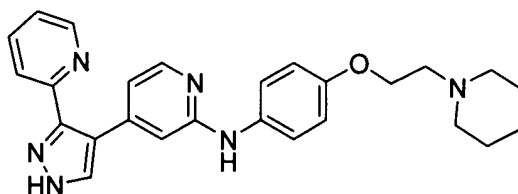
The reference discloses compounds of formula (I) as follows:



where the variables are as described therein. Examples 12 and 27 describe the following compounds:



[4-(3-pyridin-2-yl-1H-pyrazol-4-yl)-pyridin-2-yl]-[4-(2-pyrrolidin-2-yl-ethoxy)-phenyl]-amine
and



[4-(2-piperidin-1-yl-ethoxy)-phenyl]-[4-(3-pyridin-2-yl-1H-pyrazol-4-yl)-pyridin-2-yl]-amine.

Thus, the compounds disclosed in the reference contain pyridinyl-1H-pyrazolyl-pyridinyl ring structure. Applicants submit that these compounds are not within the scope of the instant claims because, for *e.g.*, the instant claims require a bicyclic ring at the position that corresponds to the 3-pyridin-2-yl ring in the compounds of the '787 application. Furthermore, none of the other compounds disclosed in the cited reference are within the scope of the instant claims. Therefore, the '787 application does not anticipate claim 1 and claims dependent thereon. Applicants request reconsideration and removal of the rejection.

3. Elslager *et al.*

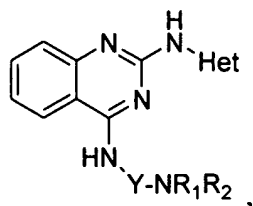
Claims 1 and 5 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Elslager *et al.* The Office Action points to the disclosure compound 80 on page 133, Table III. The Office Action alleges that the compounds falls within the scope of the claims when X is C; Y is N; L₂ and L₃ are a single bond; L₂ is N; L₄ is (CH₂)_n; n is 3; and R₁ or R₂ along with N form a ring.

Applicants assume that the Office Action intends to mean L₁ is N. Further, as discussed above, applicants respectfully submit that the instant claims do not contain the variable L₄.

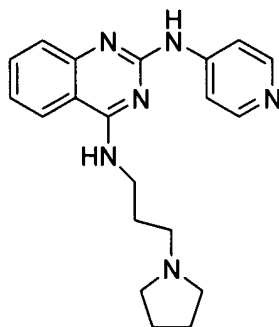
As discussed below, the claims presented herein are not anticipated by the cited reference.

Disclosure of Elslager *et al.*

Compound 80 disclosed in Elslager *et al.* has formula:



where het is 4-pyridyl and NH-Y-NR₁R₂ is NH(CH₂)₃N(CH₂)₄. Thus, the structural formula for compound 80 is:



Applicants respectfully submit that this compound is not within the scope of the instant claims because, for *e.g.*, the instant claims require a bicyclic ring at the position that corresponds to the 4-pyridyl ring in compound 80 disclosed in Elslager *et al.* Furthermore, none of the other compounds disclosed in the cited reference are within the scope of the instant claims. Therefore, Elslager *et al.* does not anticipate claim 1 and claims dependent thereon. Applicants request reconsideration and removal of the rejection.

V. CONCLUSION

In light of the above amendments and remarks, the Applicant respectfully requests that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney if a telephone call could help resolve any remaining items.

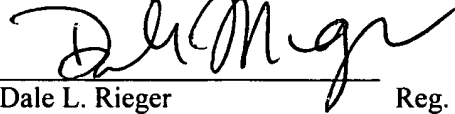
No fee in addition to the fee for filing a Supplemental Information Disclosure Statement is believed to be due with this amendment. However, if it is determined that additional fees are

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Response and Amendment

due, authorization is given to charge any necessary fees to Jones Day Deposit Account No. 50-3013 (Order No. 011104-999013).

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Respectfully submitted,



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